



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

W.No.45

AMARAVATI, FRIDAY, NOVEMBER 11, 2022

G.1137

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD,
4th FLOOR, IMDADAGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.

F.No.02 / M / KDP / M / 2019.

Date: 30-09-2022.

YSR KADAPA DISTRICT - KAMALAPURAM MANDAL & TOWN - DARGAH HAZRATH
ABDUL GAFFAR SHAH QUADRI – CONSIDERING THE CANDIDATURE OF
Sri SHAIK FAIZUL GAFFAR, S/o. ZAHEERUDDIN SHAH KHADRI AS MUTAWALLI
U/Sec.42 OF THE WAQF ACT, 1995.

- Read :**
1. Representation of Sri Shaik Faizul Gaffar, S/o late Shaik Zaheeruddin Sha Khadri, R/o D.No. 13/86, Dargah Street, Kamalapuram Town, dated. Nil received on 03-09-2019.
 2. This Office Memo dated. 20-9-2019.
 3. Report of the Inspector Auditor, Waqfs, YSR Kadapa District , F.No. IAW/13/KDP/2007, dated 17-12-2019.
 4. This office Memo even No., dated.06-01-2020.
 5. Report of the Inspector Auditor, Waqfs, YSR Kadapa District, dated. 25-01-2020.
 6. This Office notification, dated. 05-02-2021.
 7. Report of the Inspector Auditor, Waqfs, YSR Kadapa District, dated: 24-02-2021.
 8. This office letter to State Archives, Tarnaka, Secunderabad, dated. 15-07-2022
 9. Board's Resolution No.399 of 2022, dated:25-08-2022.
 10. Orders of the Hon'ble Chairperson, APSWB, dated.30-09-2022.

ORDER:

The Dargah Hazrath Abdul Gaffar Shah Quadri situated at Kamalapuram of YSR Kadapa District is a notified Waqf and got published in the AP Gazette, dt:19-08-1967.

In the reference 1st read above, one Shaik Faizul Gaffar, S/o Late Shaik Zaheeruddin Sha Khadri resident of Kamalapuram Town has submitted a representation and stating that his mother Late Shaik Noor Jahan Begum was died on 05-05-2019, due to old age and ill-health and his father was also died on 17-10-2013. After the death of his parents, he himself and his brothers have performed the services of the Dargah and conducting Urs etc. His brother have given consent in his favour for appointment of Muthawalli of the said Dargah and he has requested to appoint his as Muthawalli of the said Dargah.

The above said representation has been sent to the Inspector Auditor, Waqfs, YSR Kadapa District through reference 2nd read above with a direction to submit report on the subject matter by conducting spot inspection along with points mentioned therein.

In the reference 3rd read above the Inspector Auditor, Waqfs, YSR Kadapa District has reported that, he has conducted the spot inspection of the subject institution on 28-11-2019 it is fund that, the affairs of the subject institution are being performed by the both family members of applicants and his brother no court cases and enquires are pending, audit and budget reports for the year 2016-17, 2017-18 and 2018-19 have submitted by the applicant and also paid the Waqf Fund of Rs.16,352/-, 49,056/- and Rs. 35,000/- for the above years. Further the institution is having (15) attached shops and also having an extent of Ac. 4.41 cents of land, at Kamalapuramu Village. Further he has enclosed Xerox copies of death, family, NOC certificates.

Further it has been directed to the I.A. WAqfs, YSR Kadapa vide ref.4th read above to furnish the copies of Gazette notified Muthawalli with the relationship of applicant, Proceedings copy of Muthawalli and legal heirs details, Waqf Fund receipts, Income and expenditure statements.

Accordingly, the IA, YSR Kadapa District has submitted his report vide reference 5th read above, that he has verified the available records pertaining to the subject Dargah and he found the copy of AP Gazette dated 01-01-1987, orders of the Hon'ble High Court in SA No. 688/1984, dated.22-12-1989 and CMP No.20212/1989. As per the said Gazette the subject Dargah is notified as Waqf and published in the AP Gazette dt. 19-8-1967. As per the Hon'ble High Court orders, that vide document dated.28-1-1946

one Hazrath Dastagiri Shah Khadri dedicated the subject property as Waqf properties and he appointed his son as Muthawalli and after him, the heirs of his son should act as Muthawalli. In this regard the IA YSR Kadapa has stated that, he has enquired with the applicant, the applicant has informed that the Hazrath Dastagiri Shah Khadri saint is his great grandfather.

Further, the IA Waqfs, YSR Kadapa District has reported that, in the above order the Hon'ble High Court observed that according to the deed mentioned above, the legal heirs of late Hazrath Dastagir Shah Khadri shall appoint as Muthawalli of the subject Dargah Under section 42 of the Waqf Act. Late Smt. Shaik Noorjahan Begum is the wife of late Zaheeruddin Shah Khadri who was the grandson of the Hazrath Dastagiri Shah Khadri who dedicated the subject dargah as Waqf and the Muthawalli should be his family members only. Late Shaik Noorjahan Begum has been maintained the subject Dargah as Muthawalli since 30 years from the date of judgment of the Hon'ble High Court in AS No. 688/1984, dt. 22-12-1989 to till her death, after her demise, the applicant is managing the institution and its affairs. In the life time the Muthawallia managed the Dargah without any objections and abide the directions of the Board. She has developed the Dargah and its properties by way of construction of shopping complex by taking revolving fund from the APS Waqf Board.

Further, the IA Waqfs, YSR Kadapa District has reported that the applicant is the son of late Smt. Noorjahan Begum, W/o Shaik Zaheeruddin Shah Khadri, grandson of Shaik Dastagiri Shah Khadri as per record. The I.A.YSR Kadapa has enclosed the copies of Hon'ble High Court orders in SA No. 688/1984, dated.22-12-1989 and CMP No. 20212/1989, document No.28-01-1946, Audit reports for the year, 2017 to 2019 and Waqf Fund receipts.

After careful examination of the matter, notification vide reference 6th read above, has issued for calling claims / objections if any, for appointment of Sri.Shaik. Faizul Gaffar, S/o. Zaheeruddin Sha Khadri as Muthawalli of the subject Dargah within 15 days from the date of publication of the said notification and directed the applicant to pay publication charges.

In the reference 7th read above, the IA, Waqf, YSR Kadapa District has reported that, the above notification was published in the Andhra Jyothi News Paper daily District edition of YSR Kadapa on 09-2-2021 and there were no claims and objections received against the said notification.

The candidature of applicant is to be considered U/sec. 42 or 63 for appointment of Mutawalli, the basic Waqf records, 1st Survey Commissioner's on the Survey of Waqfs and also the A.P. Gazette notification of the particular institution has to be verified for its conclusion (AP Gazette Dated.19-08-1967). Accordingly in the absence of AP Gazette, the matter has been referred to the State Archives, Hyderabad for procuring copies of the Gazette and the same is awaited vide ref.8th read above.

The subject matter was placed before the Board and the Board has passed resolution No.399 of 2022, dated.25-08-2022 vide ref.9th read above to recognize as Mutawalli U/sec.42 of Waqf Act, 1995 to Dargah Hazrath Abdul Gaffar Shah Quadri, Kamalapuramu Town & Mandal, YSR Kadapa District.

The matter was placed before the Hon'ble Chairperson, AP State Waqf Board vide ref.10th read above who after careful examination of the matter has passed order proceedings issued in favour of Sri.Shaik.Faizul Gaffar, S/o. Zaheeruddin Shah Khadri as Mutawalli U/sec.42 of Waqf Act, 1995 to the subject institution.

Accordingly, Sri.Shaik.Faizul Gaffar, S/o. Zaheeruddin Shah Khadri is hereby recognized as Mutawalli to Dargah Hazrath Abdul Gaffar Shah Quadri, situated at Kamalapuram Mandal & Town, YSR Kadapa District U/sec.42 of Waqf Act,1995 for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time they should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year

- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3(ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To

Sri.Shaik.Faizul Gaffar, S/o. Zaheeruddin Shah Khadri ,
Mutawalli of Dargah Hazrath Abdul Gaffar Shah Quadri,
Kamalapuram Mandal & Town, YSR Kadapa District.

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